

**EXHIBIT G TO THE JUNE 26, 2008
DECLARATION OF GREGORY I. RASIN, ESQ.**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
JANNIE PILGRIM, GIOVANNA HENSON, JESAN
SPENCER and BRENDA CURTIS,

 Plaintiffs,

- against - CASE NO.: 07CIV 6618

THE MCGRAW-HILL COMPANIES, INC.,

 Defendant.
-----X

ORIGINAL

DEPOSITION OF SHEILA O'NEILL, taken by
Plaintiffs, pursuant to Notice on Friday, February
29, 2008, commencing at 9:36 a.m., before Chandra D.
Brown, a Registered Professional Reporter and Notary
Public within and for the State of New York.

1. S. O'Neill

2 A I do.

3 Q From time to time, counsel may object for
4 whatever reason. There are no speaking objections,
5 but if he does make an objection, you are still
6 required to answer the question.

7 Do you understand that?

8 A I do.

9 Q Are you currently employed?

10 A Yes, I am.

11 Q With whom?

12 A McGraw-Hill Companies.

13 Q In what capacity?

14 A I'm vice president of Human Resources.

15 Q How long have you been vice president of
16 Human Resources?

17 A In this current role since March of 2007.

18 Q When you say, "this current role," what
19 are you talking about?

20 A I support the information and media group
21 in Human Resources.

22 Q Prior to March 2007, what role were you
23 in?

24 A Vice president Human Resources supporting
25 the corporate departments.

1 S. O'Neill

2 Q What were the corporate departments?

3 A Finance, information management, legal,
4 Human Resources, global strategy. That was it.

5 Q Anything else?

6 A No.

7 Yes. One other one. Corporate affairs.

8 Q I'm going to refer to your prior position
9 as VP H/R for corporate.

10 When did you last serve in that capacity?

11 A Through March 2007.

12 Q Was that a promotion in March 2007 to the
13 VP of H/R in support of the other institutions that
14 you are now supervising --

15 A Yes.

16 Q -- or providing services to?

17 A Yes.

18 Q Okay.

19 What is your current salary?

20 MR. RASIN: Do not answer.

21 Objection. I'm going to direct her not to
22 answer...

23 MR. SOLOTOFF: Can you make a note of
24 every direction that counsel gives where he's
25 instructing the witness not to answer? I don't

1 S. O'Neill

2 Q Not you?

3 A Not me.

4 Q In global strategy, was there any race
5 discrimination complaints in that group?

6 A No.

7 Q Jesan Spencer worked as H/R in
8 BusinessWeek. Does that fall under H/R?

9 A It falls under corporate H/R.

10 Q Did anyone investigate her race
11 discrimination complaints?

12 MR. RASIN: Objection.

13 A I investigated her complaint regarding the
14 behavior of her manager.

15 Q But you didn't take that as a race
16 discrimination complaint?

17 A I did not.

18 Q With respect to global strategy, was there
19 a race discrimination complaint?

20 A No.

21 Q Now, you know who Vladimir Stadnyk is?

22 A He's an executive at S & P.

23 Q How long has he held that position?

24 A I don't know.

25 Q Do you know of any race discrimination

1 S. O'Neill

2 A It was, let's see, yesterday from about
3 12:00 to 5:00, and the day before from 2:00 to 5:00.

4 Q I'll ask you again: Did you review any
5 other documents before coming here today other than
6 what you've already testified to?

7 A This (indicating).

8 Q This referring to the exhibit?

9 A I'm sorry.

10 And e-mails, my notes.

11 Q What you testified to earlier?

12 A Yes.

13 Q Anything else?

14 A No.

15 Q Who conducted the investigation of Jesan's
16 complaints to the company?

17 A Which complaint?

18 Q Any complaint.

19 A I conducted the complaint regarding Ken
20 Caruso.

21 Q What was that complaint?

22 A That he cursed and the second one was that
23 he had touched himself inappropriately in front of
24 her.

25 Q Let me see if I can clarify something.

1 S. O'Neill

2 You were the investigator; is that
3 correct?

4 A Yes.

5 Q No one else?

6 A For the touching inappropriately
7 complaint, I was the investigator.

8 Q Who was the investigator regarding the
9 cursing?

10 A The first time was Brett Marsche.

11 Q You said if there was a first time. Was
12 there a second time?

13 A Which was the first time I spoke to Jesan.
14 She told me she had talked to Brett about it
15 previously.

16 Q Was Brett Marsche the investigator of the
17 complaint that Jesan Spencer had made regarding Ken
18 Caruso's cursing?

19 A Yes.

20 Q Did you later become an investigator of
21 those claims as well?

22 A Yes.

23 Q Were you assisting Brett Marsche in that
24 investigation or were you investigating the matter
25 independent of Brett Marsche?

1 S. O'Neill

2 A Yes.

3 Q What was his conclusions?

4 A That he would speak with Ken; that he had
5 talked to Jesan and that it was resolved. But if
6 Jesan wanted to speak to me, she could get in touch
7 with me.

8 Q That was left to her?

9 A Yes.

10 Q You were not instructed to conduct an
11 investigation of your own; is that correct?

12 A That's correct.

13 Q If Jesan Spencer did not speak with you
14 there was nothing for you to investigate; is that
15 correct?

16 So the commencement of whatever
17 investigation, you call it, began in March 2006, is
18 because Jesan came to you?

19 A I saw Jesan and I mentioned to her that if
20 she wanted to talk to me, that I was here. But
21 we -- I saw her and I offered that up.

22 Q I see.

23 Brett Marsche, what's his title and
24 position?

25 MR. RASIN: Objection.

1 S. O'Neill

2 it to stop.

3 Q What was the offensive language that she
4 was complaining about?

5 A That -- she said that Ken -- when I asked
6 her the word, like shit, it sucks, and that she
7 didn't appreciate it.

8 Q Ken Caruso, that's the Ken you're
9 referring to?

10 A Yes.

11 Q Did she mention any other curse words to
12 you?

13 A No.

14 Q Did she mention the word "bitch" or
15 "bitches"?

16 A No.

17 Q Did she mention to you that she believed
18 that he made these comments in front of her as a
19 black woman --

20 A No.

21 Q -- and not in front of white women?

22 A No.

23 Q Did you ask her?

24 MR. RASIN: Did she ask her --

25

1 S. O'Neill

2 Q Did you have a conversation with Brett
3 Marsche concerning Jesan Spencer?

4 A I did.

5 Q When was that?

6 A That was in that late December, early
7 January 2005.

8 Q Was it one conversation or a number of
9 conversations?

10 A It was one.

11 Q Where was it?

12 A In my office.

13 Q He came to you or you called him in?

14 A He came to me.

15 Q Was there anyone else present?

16 A No.

17 Q What did he say to you and what did you
18 say to him at this December, early January meeting?

19 A That he wanted me to know that he had told
20 Jesan that if she wanted to speak with me, that she
21 could. That's what I remember from the
22 conversation, and that he had looked into some
23 things she was concerned about regarding Ken's
24 language.

25 Q Ken Caruso was Jesan Spencer's supervisor?

1 S. O'Neill

2 correct?

3 A Yes. Yes.

4 Q Isn't it true that Jesan Spencer
5 complained that Ken Caruso referred to women as
6 bitches in her presence as a black female?

7 A I'm sorry. Say that again.

8 Q Isn't it true that Jesan Spencer
9 complained that Ken Caruso referred to women as
10 bitches and he did that in front of her as a black
11 female?

12 MR. RASIN: Objection.

13 A In the EEO complaint?

14 MR. RASIN: He's asking you whether it's
15 true.

16 Q I'm asking you whether it's true.

17 A I don't know if it's true.

18 Q Isn't it true that Jesan Spencer brought
19 it to your attention that Ken Caruso referred to
20 women as bitches and did that in her presence as a
21 black female but not in front of white females or
22 white men?

23 A It's not true that she brought it to my
24 attention.

25 Q Had she brought that to your attention,

1 S. O'Neill

2 Q Did you ask him if he did it over the
3 phone?

4 A I asked him where and he said in his
5 office.

6 Q Did he say who was present?

7 A He said Jesan and maybe Sheila Mitchell.

8 Q You said he stopped that conduct, the
9 conduct of using the words "oh, shit" in their
10 presence; is that correct?

11 MR. RASIN: Objection.

12 A Yes.

13 Q How do you know he stopped?

14 A Because in April when I spoke with Jesan,
15 I asked her, How, you know, was it going? And she
16 told me the cursing had stopped.

17 Q You spoke with her after April?

18 A Not specifically about that behavior. We
19 spoke in March. I checked into it. I followed up
20 in April and asked her.

21 Q Do you know whether it continued in May?

22 A I don't know.

23 Q Did you ask her as a follow-up?

24 A No, because she had told me it had
25 stopped.

1 S. O'Neill

2 only one.

3 Q How about Jannie Pilgrim?

4 A No.

5 Q Didn't Jannie Pilgrim complain to you
6 about Rich Fisher's comments to her about black
7 employees under his jurisdiction?

8 A No.

9 Q She never mentioned anything to you?

10 A Mentioned --

11 Q That Rich Fisher made comments about black
12 employees under his jurisdiction.

13 A No.

14 Q Giovanna Henson, who is she?

15 A Giovanna was the H/R coordinator who
16 worked in corporate H/R and did work for Ivy Latimer
17 and myself, and she was a direct report to me.

18 Q Didn't Giovanna Henson complain about the
19 African-American experience at McGraw-Hill?

20 A No.

21 Q Not at all?

22 A No.

23 Q Did you review exit interviews by
24 African-American employees where they complained
25 about discrimination and unfair treatment while

1 S. O'Neill

2 development. This directly impacts professional
3 development and compensation. I pursued a higher
4 degree to further my career path at the McGraw-Hill
5 Companies.

6 I pursued a master's degree in Human
7 Resources, management and labor relations at the
8 New York Institute of Technology; however, I was
9 denied six or more opportunities at the McGraw-Hill
10 Companies. Most of the times, I was never given a
11 clear explanation as to why I was denied the
12 positions that I applied for. I've been an employee
13 of the McGraw-Hill companies for eight years, and I
14 feel that there should have been some type of
15 follow-up, especially since I was an internal
16 candidate. Many times this was not the case."

17 Had you seen that before today?

18 A Yes.

19 Q When did you see it for the first time?

20 A The person who conducted the exit
21 interview brought it to my attention.

22 Q Who was that person?

23 A Beverly Mate.

24 Q Was that at or about the time that the
25 exit interview was conducted?

1 S. O'Neill

2 A It was afterwards.

3 Q Giovanna Henson had complained to you
4 about the African-American experience at
5 McGraw-Hill; had she not?

6 A No.

7 Q She did make a comment like that, didn't
8 she?

9 A What comment are you referring to?

10 Q About African-American employees at
11 McGraw-Hill?

12 A No.

13 Q She did not make such comment?

14 A No, about African-American employees at
15 McGraw-Hill.

16 Q What did she complain with regard to
17 African-American employees?

18 A She did not complain.

19 Q What did she say in any reference that she
20 made to African-American in connection with
21 McGraw-Hill?

22 A She did not say -- make a comment about
23 African-Americans at McGraw-Hill.

24 Q None whatsoever?

25 A No.

1 S. O'Neill

2 Q Did she say you don't know what it's like
3 working as an African-American at McGraw-Hill, and
4 your response was, "No, I do not"?

5 A She said, "You don't know what it's like
6 being black," and I said, "Yes, that's right. I
7 don't know what it's like being black."

8 Q When did she make that comment to you?

9 A It was around Christmas holiday in 2004.
10 I think it was December 20th.

11 Q Are you saying she didn't make this
12 comment in 2005 after she was turned down for a
13 position that she had applied for? Is that your
14 testimony that it was not then but in 2004?

15 A I recall it as being in late 2004.

16 Q Did you know what it was like being an
17 African-American employee at McGraw-Hill?

18 A Can you just say that question again?

19 Q Do you know what it was like for
20 African-American employees at McGraw-Hill?

21 A No.

22 Q Didn't you conduct surveys of
23 African-Americans and what their experience was at
24 McGraw-Hill?

25 A That was an employee engagement survey for

1 S. O'Neill

2 to you back in July and August?

3 MR. RASIN: Objection.

4 A No.

5 Q Now, I believe you testified earlier, but
6 correct me if I'm wrong, you spoke with Brett
7 Marsche before you spoke with Jesan Spencer about
8 Jesan Spencer's complaints to Brett Marsche; is that
9 correct?

10 MR. RASIN: Objection.

11 A Brett spoke to me.

12 Q When was that conversation?

13 A As I said earlier, I think it was late
14 2005, maybe early 2006. And he spoke to me to say
15 Jesan might come and speak to me. He had offered
16 that up and he wanted me to know.

17 Q Did he give you a sense as to how urgent
18 that was or not?

19 A I understood it -- to be available that he
20 had spoken to Jesan, everything seemed to be okay;
21 but if she wanted to speak to me, she could.

22 Q Okay.

23 Was it your understanding that you were
24 not conducting an investigation of some
25 discrimination complaint at the time you met with

1 S. O'Neill

2 Jesan Spencer on March 6, '06?

3 A I did not understand that to be a
4 discrimination complaint.

5 Q Under any circumstances? Under those
6 circumstances?

7 A Under those circumstances.

8 Q At no time in March or April or May or
9 subsequent to that were you ever made aware that
10 Jesan Spencer had complained about race
11 discrimination at McGraw-Hill?

12 A In -- you know, I'm fuzzy on the dates,
13 but I was aware at some point that Jesan was part of
14 the EEO charge.

15 Q But what I'm trying to find out in
16 relation to your last conversation with Jesan
17 Spencer as it's reflected in these notes, was it
18 before that last conversation or after that last
19 conversation?

20 A I'm sorry. Say that one more time.

21 Q I'm trying to find out approximately when
22 you found out about the EEO complaint of Jesan
23 Spencer. Was that before your last conversation
24 with Jesan Spencer, as reflected in your notes here,
25 or after you concluded your discussions with Jesan

1 S. O'Neill

2 Spencer?

3 A You know, I really -- I don't recall when
4 I found out.

5 Q Let me see if I can come at it at a
6 different way.

7 At some point, Jesan Spencer got
8 transferred into another position; is that correct?

9 A Yes.

10 Q She was no longer working for Ken Caruso?

11 A Yes.

12 Q Do you know when that took place?

13 A In April 2006, we started the discussion,
14 but I can't recall the exact date that she went to
15 the business information group. It was some time
16 shortly thereafter.

17 Q In relation to her going to BIG, which is
18 the business information group, when did you learn
19 about the EEOC complaint?

20 A I don't remember.

21 Q Was it before or after her going to BIG?

22 A Really, I don't remember when I learned of
23 it.

24 Q Was she still employed with the company
25 when you learned of it?

1 S. O'Neill

2 A Yes.

3 Q Did Ms. Spencer want to be transferred to
4 BIG?

5 A She requested a transfer.

6 Q To where?

7 A At first, it was a general request for a
8 transfer.

9 Q Then after that, was she more specific?

10 A Jesan told me she had been interviewing
11 for a position -- for an H/R position at McMillan,
12 which is part of McGraw-Hill education.

13 Q She didn't get that job; is that correct?

14 A Yes.

15 Q Didn't she tell you that she did not want
16 to be transferred to BIG?

17 A At first, Jesan seemed pleased about it.
18 And then she changed her mind and said she didn't
19 want to.

20 Q And she was specific as to why she didn't
21 want to; isn't that correct?

22 A Yes.

23 Q She didn't want to have to work under
24 Bill Harper?

25 A She said that she didn't want to work in

1 S. O'Neill

2 BIG with Bill. So, in some of these notes, I listed
3 the reasons that she gave me.

4 Q How did it come to pass that she was
5 transferred to BIG when she didn't want to be
6 transferred to BIG?

7 A It came to be because Jesan did not want
8 to have any kind of facilitated problem resolution
9 session with Ken, and she had made it clear she
10 didn't want to work for Ken. So, the opportunity
11 that we could find was within the information and
12 media group.

13 Q Who did you discuss that with?

14 A With Bill Harper.

15 Q Who else?

16 A Brett Marsche.

17 Q Anyone else?

18 A David Murphy.

19 Q When did you have that conversation with
20 them that she should be transferred to BIG?

21 A I had the conversation with them that
22 talked about where was there an opportunity for
23 another assignment with them.

24 Q They said BIG?

25 A Because Brett Marsche was the senior H/R

1 S. O'Neill

2 person for information and media, there was an
3 opportunity to move some head count and find a
4 position working in BIG.

5 Q By putting Jesan in BIG, they were
6 accommodating Ken Caruso's wishes, weren't they? He
7 did not want her under his supervision, isn't that
8 correct?

9 A No. He specifically said that he could
10 work with Jesan Spencer.

11 Q You discussed the matter with Brett
12 Marsche, David Murphy and Bill Harper, is that
13 correct?

14 A Yes.

15 Q Were these three different conversations?
16 Was this a meeting of some sort or was it more than
17 one meeting? Can you please describe in what the
18 circumstances were that these conversations were
19 taking place?

20 A There was a meeting with Brett and Bill
21 where we talked about --

22 Q And yourself?

23 A Yes. Yes.

24 And I can't recall if it was a meeting or
25 phone call with Brett and David.

1 S. O'Neill

2 Q Let's take the first meeting. That first
3 meeting was with Brett and Bill or was it the phone
4 call that you're referring to? Which came first?

5 MR. RASIN: Objection.

6 Q You said there were two conversations.

7 A Yes. The first conversation was with
8 Brett.

9 Q You and Brett?

10 A Brett and myself.

11 Q Was that in his office?

12 A I don't recall.

13 Q You don't know where it was?

14 A No.

15 Q Was anyone else present?

16 A No.

17 Q Do you know when that meeting took place?

18 A Well, it had to be in this same time
19 period of, you know, the --

20 Q In the month of March?

21 A No. It was later.

22 Q April?

23 A Right. It was the end of April, early
24 May.

25 Q End of April, early May.

1 S. O'Neill

2 What did Brett say to you at that meeting
3 and what did you say to Brett?

4 A The first meeting was that Jesan had
5 requested a transfer and that we should explore that
6 and to look within information and media to see if
7 there was another opportunity for her.

8 Q Is BIG information and media?

9 A Yes, it is.

10 Q Did she request a transfer to BIG
11 specifically?

12 A No.

13 Q Did you tell that to Brett Marsche that
14 she did not request a transfer to BIG?

15 A I said that she requested a transfer.

16 Q So that was the generic, general concept
17 transfer?

18 A Yes.

19 Q In other words, "get me out from under Ken
20 Caruso type" transfer?

21 MR. RASIN: Objection.

22 A I didn't understand it that way.

23 Q You didn't think that she was -- her
24 request for a transfer was to get away from

25 Ken Caruso?

1 S. O'Neill

2 A I understood her transfer was that it --
3 she found it difficult working there and a transfer
4 was a good solution that she was recommending.

5 Q The general sense of a transfer?

6 A Yes.

7 Q Brett Marsche did not mention to you her
8 EEOC complaint, is that correct, in this
9 conversation?

10 A I don't recall if he did or not.

11 Q You said this is around April or May?

12 A Right.

13 Q Of 2006?

14 A Right.

15 Q But you knew, at the time you met with
16 Brett Marsche, that Jesan did not want to be
17 transferred to BIG, correct?

18 A I'm not sure if I knew then.

19 Q When did you know?

20 A When I told -- when Jesan and I met and we
21 discussed the opportunity at BIG, she told me that
22 she didn't want to. And then we went for lunch and
23 she told me the reasons why.

24 Q That was after you met with Brett for the
25 first time to discuss this?

1 S. O'Neill

2 A Yes.

3 Q When did you meet with Brett and
4 Bill Harper by phone or the second time?

5 A There are notes in here on the date. I
6 just don't have it off the top of my head.

7 MR. SOLOTOFF: Let the record reflect the
8 witness needs to look at the document, which is
9 okay, by the way.

10 A It says here April 13.

11 Q Okay.

12 It was April 13th. Thank you.

13 On April 13, you had that meeting with
14 Brett Marsche the second time and Bill Harper,
15 correct?

16 A Yes.

17 Q And it was -- one of them was on the
18 phone?

19 A You know, I can't remember if we were in
20 my office. I think we were, but I'm not a hundred
21 percent.

22 Q Did they tell you on April 13th that Jesan
23 Spencer had filed an EEOC complaint?

24 A I don't know if they told me then. I
25 don't know if they ever told me.

1 S. O'Neill

2 Q Okay.

3 You don't recall them telling you?

4 A No.

5 Q Now, on April 13, did you tell them that
6 Jesan Spencer did not want to be transferred to BIG
7 and her reasons why?

8 A Let me just look at something. I don't
9 think I knew at that time what her specific
10 objections were. It was after we met that Jesan
11 told me the specific objections.

12 Q So is it closer to May?

13 A It was closer to May.

14 Q You had learned what her specific
15 objections were transferring to BIG, correct?

16 A Correct. Right.

17 Q Who put in the orders -- I don't know what
18 you call them, orders or form papers or whatever it
19 is -- transferring Jesan Spencer to BIG?

20 A At that time, to initiate that, it was on
21 a paper document. So, that would have to be
22 initiated by Ken Caruso, and Bill would have
23 provided the information about the new -- the
24 accounting code and any other codes that were
25 needed.

1 S. O'Neill

2 Q That form that you're talking about, is
3 that an employee action form or something like that?

4 A Yes. The name is the turnaround document
5 but same difference.

6 Q Jesan Spencer's consent was not required
7 in writing, was it --

8 A No.

9 Q -- to be transferred?

10 A No, it was not.

11 Q Once the form was signed by Brett Marsche
12 and Bill Harper -- or Ken Caruso, rather, it's a
13 fait accompli?

14 A Yes.

15 Q Before Jesan Spencer left her work under
16 Ken Caruso, she had been a pretty successful H/R
17 manager for many years in BusinessWeek, is that
18 correct, as you understand it?

19 MR. RASIN: Objection.

20 A I understood that, you know, Jesan did a
21 good job and had been in that role for a couple of
22 years.

23 Q When she spoke with you, she told you that
24 she felt that she was being marginalized, that the
25 work -- or minimalized; that the work she was being

1 S. O'Neill

2 given by Ken Caruso was somehow being degraded in
3 terms of her job duties and responsibilities.

4 Didn't she tell you that?

5 A Yes, she did.

6 Q Where was she being assigned at BIG?

7 A The new role was to support -- it's H/R
8 supporting Aviation Week, a group called the "global
9 customer operations and BIG technology."

10 Q How soon after Ken Caruso and Brett
11 Marsche signed the turnaround form was Jesan Spencer
12 transferred to Aviation? Was that something that
13 took place in a day, a week, a month?

14 A I wasn't involved in that. So I don't
15 know how long that was.

16 Q Are employees transferred usually against
17 their will to positions that they don't want or do
18 they usually get transferred to positions they want?
19 What is the policy of McGraw-Hill regarding
20 transfers?

21 A Say that again for me.

22 Q Is it the general practice to transfer
23 employees to positions that they don't want?

24 A It's not a general practice.

25 Q Now, did you follow up with Jesan Spencer

1 S. O'Neill

2 after she was transferred to Aviation Week to
3 determine how she was being treated there?

4 A When I would see Jesan at different
5 events, I would ask her how she was doing.

6 Q And what did she tell you?

7 A She would say "okay."

8 Q She would just say "okay"?

9 A Right.

10 Q Did you follow up and check with anyone at
11 management to see whether she was doing MORs?

12 A No.

13 Q Did you check with management to see what
14 work she was doing, if any?

15 A I asked Bill Harper how Jesan was doing.

16 Q And he said?

17 A Pretty good.

18 Q When did you ask him that?

19 A I don't remember.

20 Q When Ken Caruso and Brett Marsche signed
21 the employee turnaround papers, had you known at
22 that point in time that Jesan had filed an EEO-
23 complaint?

24 A I really don't recall when I knew.

25 Q Whenever it is that you found out that

1 S. O'Neill

2 handling the discrimination complaints. My job was
3 to let Bill know, let Toi know, let Brett Marsche
4 know. I offered to intervene for Jesan to talk to
5 Bill and Toi to discuss her job and the scope of the
6 job, and she said she did not want me to do that.

7 THE WITNESS: Can we take five?

8 MR. RASIN: Sure.

9 Q We're almost finished anyway. You still
10 want to take five?

11 A I just want to get a little water.

12 MR. RASIN: We'll take a break.

13 (Whereupon, a short recess was taken.)

14 (Whereupon, the aforementioned e-mail
15 communications Bates stamped D03815 through
16 D03817, was marked as O'Neill Exhibit 13 for
17 identification as of this date by the
18 reporter.)

19 MR. SOLOTOFF: Back on.

20 BY MR. SOLOTOFF:

21 Q Looking at Number 13, O'Neill 13, do you
22 recognize that document?

23 A (Witness views document,)

24 Yes.

25 Q What is it?

1 S. O'Neill

2 MR. RASIN: Objection.

3 Q If you know.

4 A I don't know specifically that he reviewed
5 any of her applications.

6 Q Was there a diversity council around
7 2004/2005, a council called "Diversity Council"?

8 A I don't know the year that
9 Standard & Poor's established a diversity council.

10 Q You're not sure whether or how you learned
11 about the African-American Affinity Group, correct?

12 A I don't recall those circumstances.

13 Q Do you know whether Jannie Pilgrim was
14 principally responsible for helping create the
15 African-American Affinity Group?

16 A I don't know that for sure.

17 Q Or the Diversity Council?

18 A I don't know that.

19 Q If Giovanna Henson was looking for a
20 position for promotion purposes and she was
21 interviewed and her application was being
22 considered, would it have been ordinary or usual for
23 the persons who are reviewing her application to
24 call you and ask you for your opinion about
25 Giovanna Henson?

1 S. O'Neill

2 A It would not be ordinary.

3 Q Were you in a position to recommend
4 Giovanna Henson for a promotion?

5 A If by "promotion," meaning grade-level
6 promotion, I was in a position to.

7 Q But how about a promotion to another
8 position in the group or in the company?

9 A No, I was not in the position to do that.

10 Q Just a couple questions regarding
11 reduction in force.

12 What is a reduction in force?

13 A That is when the business conditions are
14 such that the number of employees needed to do the
15 work in the business needs to be reduced so there
16 will be lower expenses.

17 Q Can employees be selected to be reduced
18 out of employment for the reason that they are an
19 undesirable employee?

20 A No.

21 Q That would be inappropriate?

22 A Say that again, please.

23 Q For the reason that they are an
24 undesirable employee.

25 A Can you start from beginning on that one?

1 S. O'Neill

2 Q Okay.

3 Is it possible for management to reduce an
4 employee off employment, from employment, by using a
5 RIF as an excuse for eliminating an undesirable
6 employee?

7 MR. RASIN: Objection.

8 A No.

9 Q Why not?

10 A Because a reduction in force is
11 specifically related to the business reasons why
12 fewer people are needed and fewer types of jobs are
13 needed. So it's based on the job itself.

14 Q It would be inappropriate to eliminate an
15 employee and throw them into the mix to get them out
16 of the job and use a RIF as a reason for doing that,
17 wouldn't it?

18 MR. RASIN: Objection.

19 A Yes.

20 Q Who is Deborah O'Connor? We didn't
21 mention her name earlier.

22 A She is a recruiter who works as part of
23 the talent acquisition team at Standard & Poor's.

24 Q Who is Vladimir Stadnyk?

25 MR. RASIN: We did this, didn't we?

1 S. O'Neill

2 MR. SOLOTOFF: I don't think we did, did

3 we?

4 A You asked that this morning.

5 Q What was his position; do you recall?

6 A He's the executive at Standard & Poor's.

7 Q Has he ever left that position?

8 A I don't know his history.

9 Q Who is Joyce Hunsucker?

10 A She is a former H/R generalist who works
11 supporting Standard & Poor's.

12 Q Have you ever heard of the acronym BEAM?

13 A Yes, I have.

14 Q What is that?

15 A Black Employees at McGraw-Hill.

16 Q When was this formed?

17 A I don't know the exact date but it's well
18 over a year ago.

19 Q 2007?

20 A I don't know the exact date.

21 Q 2006?

22 A Could have been. Again, I don't know the
23 exact date.

24 Q Okay.

25 MR. SOLOTOFF: I have no further